

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

ROBERT E. MOECKEL, individually)
and on behalf of the John Morell)
Employee Benefits Plan, similarly)
situated Plans, and other participants)
and beneficiaries similarly situated,)

Plaintiff,)

v.)

CAREMARK RX INC., and)
CAREMARK INC.,)

Defendants.)

Case No. 3:04-0633

Judge Trauger

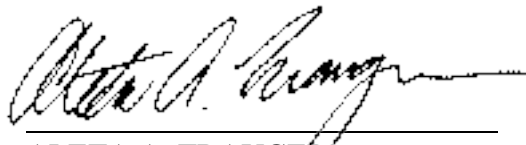
Magistrate Judge Knowles

ORDER

For the reasons expressed in the accompanying memorandum, Defendants' Amended and Restated Motion to Dismiss or Transfer Plaintiff's Complaint (Docket No. 45) filed by defendants Caremark Rx Inc. and Caremark Inc. is **GRANTED IN PART AND DENIED IN PART**. The Motion is **GRANTED** to the extent that the defendant Caremark Rx Inc. is **DISMISSED** as a party to this action. It is **DENIED** in all other respects.

It is so **ORDERED**.

Enter this 29th day of August 2005.



ALETA A. TRAUGER
United States District Judge